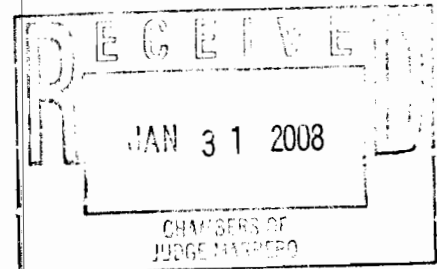


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DATE FILED: 2/4/08

January 31, 2008

VIA FAX (212) 805-6382

The Honorable Victor Marrero, U.S.D.J.
United States District Court
Southern District of New York – U.S. Courthouse
500 Pearl Street, Room 660
New York, NY 10007-1312



RE: Days Inn Worldwide, Inc. v.
JBS Inc, II, Jonathan B. Smith and Marci Singleton Smith
Index No. 08-CV-0027 (VM)

Dear Judge Marrero:

My name is Jonathan B. Smith and I am the defendant in the above matter.

Judge Marrero, as I have not been served on this matter and have just learned of this action from my estranged wife, also a defendant, I respectfully request and ADJOURNMNET of this matter, currently scheduled before you on February 1st at 2 p.m.

I hold to the court that I will hire proper counsel immediately and will direct my counsel to contact Plaintiff's counsel as soon as possible so that they can compare calendars and jointly request rescheduling of this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jonathan B. Smith".

Jonathan B. Smith
228 North Front Street
Suite 101
Wilmington, NC 28401

JBS/lab

Defendants are directed to respond by 2-15-08
to the Court's order dated 1-9-08
directing plaintiff to show cause why this case
should not be transferred to the district of
South Carolina for the convenience of parties and
witnesses. Plaintiff has opposed the transfer, citing on
plaintiff's agreement to
2-4-08
SO ORDERED: VICTOR MARRERO, U.S.D.J.
DATE